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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,016	05/01/2001	Diego Gastaldi	A-6396	5647

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SCIENTIFIC-ATLANTA, INC.
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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT PAPER NUMBER

2126

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/847,016	GASTALDI, DIEGO	
	Examiner	Art Unit	
	Lewis A. Bullock, Jr.	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/15/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over IWAFUNE (U.S. 5,880,720).

As to claim 1, IWAFUNE teaches a media services device (teletext receiving circuit / video receiver / response server), comprising: a memory (ROM / authentication information database / buffer) for storing subscriber identification information (client phone number / television ID / personal ID); and a processor configured to receive the subscriber identification information (via from the server / the user through the remote) and a media presentation (video signal), wherein the processor is further configured to insert the subscriber identification information into the media presentation (via vertical blanking interval / inserting the television ID and personal ID into the response data) (col. 16, line 50 – col. 17, line 17; col. 18, line 52 – col. 19, line 18; col. 20, lines 6-27). It would be obvious to one skilled in the art that the response data represents data for a media presentation.

As to claims 2-5 and 9 and 13-16, IWAFUNE teaches the processor is located on the client (television) or server device (response server) and the subscriber identification

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information is capable of being received, a remote control device (col. 16, line 50 – col. 17, line 17; col. 18, line 52 – col. 19, line 18; col. 20, lines 6-27). Official Notice is taken in that it is well known in the art that a media presentation is sent via an in-band or out-band signal and therefore would be obvious with IWAFUNE in order to distribute the media presentation as well as the subscriber information.

As to claims 6, 7 and 18, IWAFUNE teaches the processor is configured to insert the subscriber identification information into the media presentation during a vertical blanking interval of the presentation of the media presentation that is invisible to a view of the media presentation (col. 16, line 50 – col. 17, line 17).

As to claim 8, IWAFUNE teaches the processor is configured to demultiplex, decrypt, and decompress (interprets) the subscriber identification information and the media presentation (col. 16, line 50 – col. 17, line 17; col. 14, lines 20-51).

As to claims 10 and 11, IWAFUNE teaches the processor is configured to associate the received client device identifier (television ID) with subscriber identification information (personal ID) (col. 18, line 52 – col. 19, line 18; col. 20, line 6-27).

As to claim 12, IWAFUNE teaches the subscriber information is received from the remote control and that additional modifications can be made to the invention

without departing from the scope of the invention. It would be obvious to one skilled in the art that subscriber information is provided by a billing manager system as well.

As to claim 17, IWAFUNE teaches the processor is configured to encode, compress, and encrypt the subscriber identification information with the media presentation (via embedding during vertical blanking interval) (col. 16, line 50 – col. 17, line 17; col. 14, lines 20-51).

As to claims 19-37, refer to claims 1-18 for rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "L. A. S. J.", is positioned to the right of the main text block.

June 28, 2004

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